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| | | |
|---|--|--|
| REISSUE APPLICATION DECLARATION BY THE ASSIGNEE | | Docket Number (optional) ATM-247 |
| <p>I hereby declare that:</p> <p>The residence, mailing address and citizenship of the inventors are stated below.</p> <p>I am authorized to act on behalf of the following assignee: <u>Atmel Corporation</u></p> <p>and the title of my position with said assignee is: <u>Director, Chief Litigation and Intellectual Property Counsel.</u></p> <p>The entire title to the patent identified below is vested in said assignee.</p> | | |
| Inventor Amit S. Kelkar | Citizenship India | |
| Residence/Mailing Address 1405 S. Sierra Drive; Castle Rock, CO 80104 | | |
| Inventor Michael D. Whiteman | Citizenship U.S.A. | |
| Residence/Mailing Address 1344 Pinon Ridge Court, P.O. Box 4825; Woodland Park, CO 80866 | | |
| <input type="checkbox"/> Additional Inventors are named on separately numbered sheets attached hereto. | | |
| Patent Number 6,489,254 | Date of Patent Issued December 3, 2002 | |
| Title of Invention METHOD OF FORMING PRE-METAL DIELECTRIC FILM ON A SEMICONDUCTOR SUBSTRATE INCLUDING FIRST LAYER OF UNDOPED OXIDE OF HIGH OZONE:TEOS VOLUME RATIO AND SECOND LAYER OF LOW OZONE DOPED BPSG. | | |
| <p>I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled:</p> <p>METHOD OF FORMING PRE-METAL DIELECTRIC FILM ON A SEMICONDUCTOR SUBSTRATE INCLUDING FIRST LAYER OF UNDOPED OXIDE OF HIGH OZONE:TEOS VOLUME RATIO AND SECOND LAYER OF LOW OZONE DOPED BPSG.</p> <p>the specification of which</p> <p><input checked="" type="checkbox"/> is attached hereto.</p> <p><input type="checkbox"/> was filed on _____ as reissue application number _____ / _____ and was amended on _____ (If applicable)</p> <p>I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.</p> <p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p> <p><input checked="" type="checkbox"/> by reason of a defective specification or drawing.</p> <p><input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.</p> <p><input type="checkbox"/> by reason of other errors.</p> | | |

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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| REISSUE APPLICATION DECLARATION BY THE ASSIGNEE | | Docket Number (Optional) | | | | | | | | | | | | | | | | | |
|---|----------------------------------|--------------------------|-----------------------------|---------|------------------|------|------------------|----------------|----------|---------------|----------|--------------|----------|-----------------|----------|---------------|----------|-----------|----------|
| <p>At least one error upon which reissue is based is described as follows:</p> <p style="text-align: center; margin-top: 20px;">SEE ATTACHMENT SHEETS.</p> <p style="text-align: center; margin-top: 20px;">[Attach additional sheets, if needed.]</p> <p>All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.</p> | | | | | | | | | | | | | | | | | | | |
| <p>I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Name(s)</th> <th style="text-align: left; border-bottom: 1px solid black;">Registration No.</th> <th style="text-align: left; border-bottom: 1px solid black;">Name</th> <th style="text-align: left; border-bottom: 1px solid black;">Registration No.</th> </tr> </thead> <tbody> <tr> <td>Thomas Schneck</td> <td>- 24,518</td> <td>David Schneck</td> <td>- 43,094</td> </tr> <tr> <td>Mark Protsik</td> <td>- 31,788</td> <td>Nissa Strottman</td> <td>- 52,257</td> </tr> <tr> <td>Gina McCarthy</td> <td>- 42,986</td> <td>Kwan Chan</td> <td>- 52,714</td> </tr> </tbody> </table> | | | | Name(s) | Registration No. | Name | Registration No. | Thomas Schneck | - 24,518 | David Schneck | - 43,094 | Mark Protsik | - 31,788 | Nissa Strottman | - 52,257 | Gina McCarthy | - 42,986 | Kwan Chan | - 52,714 |
| Name(s) | Registration No. | Name | Registration No. | | | | | | | | | | | | | | | | |
| Thomas Schneck | - 24,518 | David Schneck | - 43,094 | | | | | | | | | | | | | | | | |
| Mark Protsik | - 31,788 | Nissa Strottman | - 52,257 | | | | | | | | | | | | | | | | |
| Gina McCarthy | - 42,986 | Kwan Chan | - 52,714 | | | | | | | | | | | | | | | | |
| <p>Correspondence Address: Direct all communications about the application to:</p> <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="margin-right: 20px;"> <input checked="" type="checkbox"/> Customer Number </div> <div style="border: 1px solid black; padding: 5px; margin-right: 20px;">003897</div> <div style="margin-right: 20px;">→</div> <div style="border: 1px solid black; padding: 5px; text-align: center;"> Place Customer Number Bar Code Label Here </div> </div> <p style="text-align: center; margin-top: 10px;"><i>OR</i> Type Customer Number Here</p> | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Firm or Individual Name | Law Offices of Schneck & Schneck | | | | | | | | | | | | | | | | | | |
| Address | P.O. Box 2-E | | | | | | | | | | | | | | | | | | |
| Address | | | | | | | | | | | | | | | | | | | |
| City | San Jose | State | CA Zip 95109-0005 | | | | | | | | | | | | | | | | |
| Country | U.S.A. | | | | | | | | | | | | | | | | | | |
| Telephone | (408) 297-9733 | Fax | (408) 297-9748 | | | | | | | | | | | | | | | | |
| <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.</p> | | | | | | | | | | | | | | | | | | | |
| <p>Full name of person signing (given name, family name)</p> <p>Julie Y. Mar-Spinola</p> | | | | | | | | | | | | | | | | | | | |
| Signature | | | <p>Date</p> <p>6/7/03</p> | | | | | | | | | | | | | | | | |
| <p>Address of Assignee</p> <p>2325 Orchard Parkway</p> <p>San Jose, California 95131</p> | | | | | | | | | | | | | | | | | | | |

Attachment Sheets for Reissue Application Declaration
by the Assignee

The errors upon which reissue are based are described as follows. Claims 10, 11 and 13 are believed to be defective.

(1) Claim 10 is believed to be defective for the reason that the Patentee believes that it claimed less than it has the right to claim in the patent. The patent specification, in at least the sections cited in the Preliminary Amendment submitted herewith, provides support for a heat treatment carried out at a temperature of less than 800°C. Instead of depending from independent claim 8, to encompass a temperature of 800°C, claim 10 was written to depend from claim 9. Claim 9 recites, "wherein the heat treatment is carried out at a temperature of at least 700°C." Thus, claim 10 in effect claims a range of 700°C - 800°C, where support exists in the patent specification to claim a temperature of less than 800°C.

(2) Claim 11 is believed to be defective for the reason that the Patentee believes that it claimed less than it has the right to claim in the patent. The patent specification, in at least the sections cited in the Preliminary Amendment submitted herewith, provides support for the elements of claim 11 without limiting the method to the temperature of claim 9, which is at least 700°C. In other words, claim 11 should be dependent from independent claim 8, which does not recite a temperature limitation, instead of dependent claim 9, which does recite a temperature limitation.

(3) Claim 13 is believed to be defective because there is unclear antecedent basis in claim 13. Therefore claim 13 is deemed to be indefinite under 35 U.S.C. § 112, second

paragraph. In particular, claim 13 recites, "the method of claim 12, wherein the heat treatment is carried out at a temperature not greater than 850°C." However, claim 12 fails to refer to a heat treatment. An antecedent basis can be provided if claim 13 is amended to recite, "[t]he method of claim 12, further comprising applying a heat treatment to the first and second layers of the film, wherein the heat treatment is carried out at a temperature not greater than 850°C." Thus, proper antecedent basis for "the heat treatment" would be provided.

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Atmel CorporationApplication No./Patent No.: 6,489,254 Filed/Issue Date: December 3, 2002Entitled: METHOD OF FORMING PRE-METAL DIELECTRIC FILM ON A SEMICONDUCTOR SUBSTRATEAtmel Corporation, a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

**INCLUDING FIRST LAYER OF UNDOPED OXIDE OF HIGH OZONE: TEOS
VOLUME RATIO AND SECOND LAYER OF LOW OZONE DOPED BPSG.**

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame 0959, or for which a copy thereof is attached. 011194

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

May 7, 2003
Date

Julie Y. Mar-Spinola
Typed or printed name

Julie Y. Mar-Spinola
Signature

Director, Chief Litigation and Intellectual Property
Title Counsel.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

DECEMBER 29, 2000

PTAS

LAW OFFICES OF THOMAS SCHNECK
THOMAS SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005



101504294A

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/25/2000

REEL/FRAME: 011194/0959
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

KELKAR, AMIT S.

DOC DATE: 09/28/2000

ASSIGNOR:

WHITEMAN, MICHAEL D.

DOC DATE: 09/28/2000

ASSIGNEE:

ATMEL CORPORATION
2325 ORCHARD PARKWAY
SAN JOSE, CALIFORNIA 95131

SERIAL NUMBER: 09650961
PATENT NUMBER:

FILING DATE: 08/29/2000
ISSUE DATE:

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

11-03-2000



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☐ Mark if additional names of conveying parties attached

Name (line 1) **Amit S. Kelkar**

Execution Date
Month Day Year

09 28 2000

Name (line 2)

Second Party

Name (line 1) **Michael D. Whiteman**

Execution Date
Month Day Year

09 28 2000

Name (line 2)

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1) **ATMEL CORPORATION**

Name (line 2)

Address (line 1) **2325 Orchard Parkway**

Address (line 2)

Address (line 3) **San Jose**

City

California

State/Country

95131

Zip Code

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Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

C rresp ndent Name and Address

Area C de and Telephone Number (408) 297-9733

Name Thomas Schneck

Address (line 1) Law Offices of Thomas Schneck

Address (line 2) P.O. Box 2-E

Address (line 3) San Jose, CA 95109-0005

Address (line 4)

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

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Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

09/650,961

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number
only if a U.S. Application Number
has not been assigned.

PCT

PCT

PCT

PCT

PCT

PCT

Number of Properties

Enter the total number of properties involved.

One

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ 40.00

Method of Payment:
Deposit Account

Enclosed ☒ Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

19-0590

Authorization to charge additional fees:

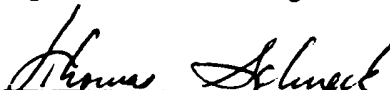
Yes ☒ No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Thomas Schneck

Name of Person Signing



Signature

October 23, 2000

Date

A S S I G N M E N T

WHEREAS, th undersigned, AMIT S. KELKAR, having an address of 1405 S. Sierra Drive, Castle Rock, County of Douglas, State of Colorado 80104; and MICHAEL D. WHITEMAN, having an address of 1344 Pinon Ridge Court, Woodland Park, County of ^{PO Box 4825} ~~Douglas~~, State of Colorado 80866 (hereinafter termed Assignors) have co-invented certain new and useful improvements in an invention entitled METHOD OF FORMING A PRE-METAL DIELECTRIC FILM ON A SEMICONDUCTOR SUBSTRATE; filed August 29, 2000 and assigned Serial No. 09/650,961;

MDW
10/3/00

WHEREAS, ATMEL CORPORATION, a Delaware corporation, having an address of 2325 Orchard Parkway, San Jose, California 95131 (hereinafter termed Assignee) is desirous of acquiring the entire right, title and interest in and to said application and said invention and improvements thereon, and in and to Letters Patent thereon when granted in the United States and foreign countries;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and for other good and valuable consideration received by said Assignors from said Assignee, the receipt and sufficiency of which in full are hereby acknowledged by said Assignors:

1. Said Assignors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, titl and interest

in and to said application and said invention and in and to any and all improvements on said invention heretofore or hereafter made or acquired by said Assignors; and in and to any and all Letters Patent on said invention and/or said improvements that may be granted in the United States or any foreign country, including each and every Letters Patent granted on any application which is a division, continuation, substitution, renewal, or continuation-in-part of any of said application specifically identified herein, and in and to each and every reissue or extension of said Letters Patent.

2. Said Assignors hereby covenant and agree to cooperate with said Assignee whereby said Assignee may enjoy to the fullest extent the right, title and interest herein conveyed. Such cooperation shall include (a) prompt execution of all papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee to perfect in it the right, title and interest herein conveyed; (b) prompt execution of all petitions, oaths, specifications or other papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee for prosecuting said application, for filing and prosecuting divisional, continuation, substitution, renewal, continuation-in-part, or additional applications in the United States and/or foreign countries covering said invention and/or said improvements, for filing and prosecuting applications for reissue of Letters Patent included herein, or for interference proceedings involving said invention and/or said improvements;

(c) prompt assistance and cooperation in the prosecution of interference proceedings involving said invention and/or said improvements and in the adjudication of said Letters Patent, particularly by the disclosure of facts and the production of evidence relating to said invention and/or said improvements, provided the expenses which may be incurred by said Assignors in lending such assistance and cooperation shall be paid by the Assignee.

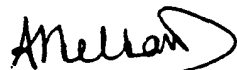
3. The terms, covenants and conditions of this assignment shall inure to the benefit of said Assignee, its successors, assigns and/or other legal representatives, and shall be binding upon said Assignors, their heirs, legal representatives and assigns.

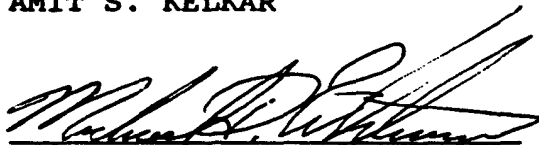
4. Said Assignors hereby warrant and represent that they have not entered into any assignment, contract or understanding in conflict herewith.

IN WITNESS WHEREOF, these said Assignors have executed and delivered this instrument on the dates shown below.

9/28/00
DATE

9/28/00
DATE


AMIT S. KELKAR


MICHAEL D. WHITEMAN